

GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF JUSTICE

RAJYA SABHA
UNSTARRED QUESTION NO. 2359

ANSWERED ON 20/03/2025

SOCIAL DIVERSITY IN HIGHER JUDICIARY

2359. **SHRI MANOJ KUMAR JHA:**

Will the Minister of *Law and Justice* be pleased to state:

- (a) whether Government is aware that the representation of SCs, STs, OBCs, women and minorities in the higher judiciary remains far below the desired level, if so, the details thereof;
- (b) whether there has been a declining trend in the appointment of judges from marginalized communities in recent years, if so, the reasons therefor;
- (c) whether Government has pursued the Supreme Court for finalization of the Memorandum of Procedure (MoP) incorporating social diversity in judicial appointments, if so, the status thereof; and
- (d) the steps taken to ensure adequate representation of marginalized sections in judicial appointments, if so, the details thereof?

ANSWER

MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS

(SHRI ARJUN RAM MEGHWAL)

(a) to (d): Appointment of Judges to the Supreme Court and High Courts is made under Articles 124, 217 and 224 of the Constitution of India, which do not provide for reservation for any caste or class of persons. Therefore, category-wise data pertaining to representation of SCs, STs and OBCs among the Judges of High Courts is not centrally available. However, the Government is committed to enhancing Social Diversity and since 2018, the recommendees for the post of High Court Judges are required to provide details regarding their social background in the prescribed format (prepared in consultation with the Supreme Court). Based on the information provided by the recommendees, out of 715 High Court Judges appointed since 2018, 22 belong to SC category, 16 belong to ST category, 89 belong to OBC category and 37 belong to Minorities.

As per the Memorandum of Procedure (MoP), the responsibility for initiation of proposals for appointment of Judges in the Supreme Court vests with the Chief Justice of India, while the responsibility for initiation of proposals for appointment of Judges in the High Courts vests with the Chief Justice of the concerned High Court. However, the Government has been requesting the Chief Justices of High Courts that while sending proposals for appointment of Judges, due consideration be given to suitable candidates belonging to Scheduled Castes, Scheduled Tribes, Other Backward Classes, Minorities and Women to ensure social diversity in the appointment of Judges in High Courts. Only those persons who are recommended by the Supreme Court Collegium, are appointed as Judges of the Supreme Court and High Courts.
